Single Bench (3)

CF1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 492 OF 2005

BETWEEN

Vinod Tamrakar S/o Late Shri Madho Prasad, Tamrakar, aged about 38 years, resident of Birkha, Patwari Halka No.9, R.I. Circle Gandai, District Rajnandgaon (CG).

PETITIONER

AND

1. The State of Chhattisgarh, through the Secretary Department of Panchayat, Mantralay, D.K.S. Building, Raipur (CG).
2. Chief Election Officer, District Panchayat Rajnandgaon (CG).
3. Returning Officer, / Prescribed Officer Panchayat District Rajnandgaon (CG).
4. Collector, Rajnandgaon (CG).
5. Tirath Kumar Chandel, Winning Candidate, Janpad Panchayat, Area No.1, Chhuikhadan, Member of Distt Panchayat Rajnandgaon.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

P.R. No. 532705
Presented by Shri Vinod Tamrakar
dated 07.03.05

(103)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** W.P. No. 492/05 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|---|---|---|
| | **14-2-2005**<br>Shri Awadh Tripathi, counsel for the petitioner.<br>Shri Prashant Mishra, Additional Advocate General for the State /respondents No.1 to 4.<br>Heard both the counsel.<br>By this writ petition the petitioner has questioned the election of respondent No.5 who has been elected as a member of District Panchayat, Area No.1, Chhuikhadan, Rajnandgaon. The petitioner also contested for the said post, but he lost by a margin of 38 votes.<br>Learned counsel for the petitioner submits that 3002 votes were rejected and out of that 2000 votes were without any seal marks, whereas, the petitioner's symbol was slate and that was in black colour. Seals were also black in colour indicating their choice but those were not counted in his favour thereby result was materially effected, therefore, result of that returned candidate (respondent No.5) has been challenged.<br>Once the result is declared, the proper remedy lies by filing an election petition as per the provisions of Section 122 of the Panchayat Raj Adhiniyam and for this I am supported by the judgment of the Hon'ble Apex Court in the matter of **Sohan Lal v. Babu Gandhi and others** reported in **AIR 2003 SUPREME COURT 320**.<br>In view of the above, this petition is liable to be dismissed and it is accordingly dismissed.<br>Consequently, M.(W.)P. No.406/2005 and I.A. No.1015/2005 stand disposed of.<br>**Sd/-**<br>**L.C. Bhadoo**<br>**Judge** | |

Barve

GRPRJ—FS/350—12/2000—50,000.

14-2-05